



May 2

1637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Patent Application of:  
Ruben et al.**

Docket No.: PZ003P2

Application No.: 09/852,797

Confirmation No.: 5177

Filed: May 11, 2001

Art Unit: 1637

For: Human Secreted Protein HTEEB42 (As amended herein)

Examiner: K. Horlick

**PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115 AND  
PROVISIONAL ELECTION WITH TRAVERSE UNDER 37 C.F.R. § 1.143**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the outstanding Office Action mailed September 22, 2003 (Paper No. 1), please consider the following amendments and remarks. Applicants submit concurrently herewith: (a) Fee Transmittal, with appropriate fee; (b) an Information Disclosure Statement with Form PTO/SB/08 and copies of references A-L.

Prior to examining the captioned application, Applicants respectfully request the entry of the following amendments.

–Amendment to the Title begins on page 2 of this paper;

–Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper; and

–Remarks begin on page 11 of this paper.

10/23/2003 RMERRANT 00000155 083425 09852797

01 FC:1201 602.00 DA  
02 FC:1202 486.00 DA

**Amendment to the Title:**

~~28 Human Secreted Proteins~~ Human Secreted Protein HTEEB42



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** 1,088.00

### Complete if Known

Application Number	09/852,797-Conf. #5177
Filing Date	May 11, 2001
First Named Inventor	Steven M. Ruben
Examiner Name	K.R. Horlick
Art Unit	1637

Attorney Docket No. PZ003P2

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

Deposit Account:

Deposit Account Number **08-3425**

Deposit Account Name **Human Genome Sciences, Inc.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

##### Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$)** 0.00

\*\* or number previously paid, if greater; For Reissues, see above

### SUBMITTED BY

(Complete if applicable)

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Signature				Date	October 20, 2003